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Notice of Proposed Action and Opportunity to Comment

Mt. Charleston Wilderness Management Plan

Clark County, Nevada



**Humboldt-Toiyabe National Forest Service, Spring Mountains
National Recreation Area**

-and-

**Bureau of Land Management Southern Nevada District, Las
Vegas Field Office**

For Information Contact:

Jane Schumacher, FS Interdisciplinary Team Leader
Spring Mountains National Recreation Area
Humboldt-Toiyabe National Forest
4701 N. Torrey Pines Drive
Las Vegas, NV 89130
(702) 839-5560

<https://cara.ecosystem-management.org/Public/CommentInput?Project=38543>

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The mission of the Bureau of Land Management is to sustain the health, diversity, and productivity of America's public lands for the use and enjoyment of present and future generations.

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Comments received in response to this solicitation, including names and addresses of those who commented, will be considered part of the public record for this project, will be available for public inspection, and will be released if requested under the Freedom of Information Act.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment – including your personal identifying information – may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

INTRODUCTION

The United States Forest Service (FS), in cooperation with the Bureau of Land Management (BLM) is preparing an Environmental Assessment (EA) in compliance with the National Environmental Policy Act (NEPA) of 1969 (83 Stat. 852 as amended; 42 U.S.C. 4321, 4331-4335, 4341, 4347) and other relevant Federal and State laws and regulations to assess the environmental consequences of a Wilderness Management Plan (WMP) for the Mt. Charleston Wilderness. The WMP is developed by way of a cooperative agreement by and between the agencies, with the FS as the lead agency for development of the WMP. Comments received in response to this Notice will be instrumental in the preparation of the EA.

The Mt. Charleston Wilderness is situated, in part, on the Spring Mountains National Recreation Area (NRA) on the Humboldt-Toiyabe National Forest, U.S. Forest Service, and, in part, on public land managed by the Las Vegas Field Office of the Southern Nevada District, Bureau of Land Management. The Wilderness is located in southern Nevada approximately forty miles west of the Las Vegas valley in Clark County.

The Mt. Charleston Wilderness was designated by the U.S. Congress in 1989 (Nevada Wilderness Protection Act of 1989; PL 101-195) at 42,420 acres, and was amended to add 13,598 acres in 2002 (PL 107-282 (2002)), for a total acreage of 56,018 acres. The Wilderness includes the Carpenter Canyon Research Natural Area and sensitive alpine areas.

The FS manages a total of 53,876 acres and the BLM manages a total of 2,142 acres. The recreational and management activities that take place in the area managed by the BLM are not substantial; consequently, the BLM has agreed to adhere to the management standards and guidelines established by the FS for management of the Mt. Charleston Wilderness, to the extent management direction does not conflict with the BLM's Las Vegas Resource Management Plan (RMP), Record of Decision (ROD), or BLM policies and regulations. The BLM has contributed to the management direction contained in this plan and warrants that, with the inclusion of BLM-specific direction, the Mt. Charleston WMP does not conflict with the BLM's Las Vegas RMP and ROD (1998), or BLM regulations.

Management of BLM lands is conducted pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. §§ 1701-1782, October 21, 1976, as amended 1978, 1984, 1986, 1988, 1990-1992, 1994 and 1996). General policies for the administration and management of BLM Wilderness is provided in Manual 6340—Management of Designated Wilderness Areas, whereas rules and regulations are found in 43 CFR Part 6300. Wilderness management direction for the BLM is prepared as required by BLM Manual 8561—Wilderness Management Plans and the BLM 2008 NEPA Handbook (H-1790-1). The BLM will adopt the Mt. Charleston WMP as a supplement to the BLM's Las Vegas RMP and ROD.

Management of FS land is conducted pursuant to the National Forest Management Act of 1976 (16 U.S.C. §§ 1600-1614, August 17, 1974, as amended 1976, 1978, 1980, 1981, 1983, 1985, 1988 and 1990), which mandates that management direction for Wilderness be incorporated into forest plans and also sets the standards for the content of Wilderness Plans (Forest Service Manual (FSM) 2320.1(6)). Wilderness management direction in the plan is prepared as a part of the FS forest planning process as required by 36 CFR Part 219 and FSM 1922. Management direction for the Mt. Charleston Wilderness is specifically set out in the 1986 Toiyabe National

Forest Land and Resource Management Plan (LRMP) and the Spring Mountains National Recreation Area (NRA) General Management Plan (GMP), an amendment to the Toiyabe National Forest LRMP (1996). The FS will adopt the WMP as an amendment and supplement to the forest-wide standards and guidelines in the 1986 Toiyabe National Forest LRMP and will adopt the WMP as an amendment to the Spring Mountains NRA GMP by replacing existing direction for Management Area 12—Mt. Charleston Wilderness. The amendment to the Toiyabe National Forest LRMP will be a project-specific, non-significant Forest Plan amendment. The amendment will not change forest-wide direction (Forest Plan standards which apply to the entire Toiyabe National Forest); therefore, other than changes to management direction for Mt. Charleston Wilderness, management direction contained in the Toiyabe National Forest LRMP and the Spring Mountains NRA GMP will continue to remain relevant.

PURPOSE AND NEED FOR THE ACTION

This section specifies the underlying need for and purpose of the project to which the agencies are responding in proposing the proposed action (40 CFR 1502.13 and 40 CFR 1508.9(b)). The need for action is defined by the gap between the existing and desired conditions. The purpose, or primary objective, of the proposed action is to eliminate or reduce that gap. The purpose defines the standards that the proposed action and any alternatives must satisfy.

Existing Conditions

The following existing conditions in Mt. Charleston Wilderness were determined through internal scoping by district FS staff and Field Office BLM staff, on-the-ground knowledge, and survey information obtained by NRA staff and volunteer organizations.

- The FS has determined through surveys that there is high day use occurring on trails and overnight use in dispersed camping areas inside the Wilderness. The high use is attributed to its close proximity to the heavily populated Las Vegas valley. The highest use areas within the Wilderness are located close to developed areas and trailhead parking adjacent to the Wilderness. Some visitors leave trash, dump household items and engage in activities that include partying and shooting, particularly on the west side of the Wilderness near springs. There is some off-highway vehicle (OHV) activity occurring in the Wilderness, close to Wilderness boundary markers that have been removed by visitors. The illegal OHV use destroys vegetation, fragments habitats, and compacts and erodes soil.
- The FS surveys indicate Region Four sensitive plant species and other plant species listed as at-risk under conservation agreements and plans occur in the Wilderness. Plant species that serve as larval host and nectar plants for Region Four sensitive butterfly species occur in the Wilderness area. A federally proposed endangered species, the Mt. Charleston blue butterfly (*Icaricia shasta charlestonensis*), and its habitat occur in the Wilderness. User-created trails and dispersed tent sites in the Wilderness are impacting habitat for these species.
- Natural springs occurring in the Wilderness are experiencing moderate to high levels of disturbance caused by wild horses and burros, elk, and recreation stock (horses, mules), whose use of the springs and seeps result in loss of herbaceous and woody vegetation. Trampling by ungulates (horses, burros, elk) is causing soil erosion, sedimentation, and degraded water quality.

- Two endemic springsnails that have been petitioned for federal listing occur in some of the springs within Wilderness. The springsnails are currently threatened by damage and degradation of spring habitat from ungulates and water developments.
- Invasive plant species have been found in the Wilderness and only a minimal amount of area within the Wilderness has actually been surveyed or treated for noxious and non-native species.
- There is documented evidence of invasive species of insects and pathogens in trees and shrubs within the Wilderness, beyond naturally occurring processes.
- There are hundreds of archeological sites both documented and undocumented throughout the Wilderness as well as areas that are of concern to the tribes and may be considered to be sacred. Some areas have been surveyed for archaeological resources; but large areas have not. The surveys that have been done reveal that sites in heavily used areas have been impacted and damaged.

Desired Future Conditions

A management plan specific to the Mt. Charleston Wilderness was not prepared subsequent to its designation in 1989; however, current FS management direction for the Mt. Charleston Wilderness is outlined in the NRA GMP (GMP, Management Area 12, pp. 37-40), adopted in 1996 as an amendment to the Toiyabe National Forest Plan. The GMP describes desired future conditions for management of the Mt. Charleston Wilderness.

The intent of Wilderness management is to protect natural and cultural resource values, preserve the health, diversity, integrity and beauty of the ecosystem, and preserve and strengthen Wilderness character. Desired conditions in the GMP address protection of vegetation, soils, springs and riparian areas; management of recreational use, fire, wild horse and burro populations and invasive plants; and maintenance of air quality, visual resources, and floodplain continuity. For example, the GMP addresses the aforesaid desired conditions as follows:

- The visual quality objective of "Preservation" is achieved so that the Wilderness exhibits a naturally evolved landscape character.
- Recreation use is managed so as to reduce negative impacts to the delicate and unique area.
- Trails are signed to identify use restrictions;
- Recreation stock use is managed to reduce impacts to endemic species and vegetation;
- Outfitter/guide permits are at appropriate use levels and in appropriate areas.
- Exotic pests within the Wilderness are treated when scientific evaluations indicate a need
- Exotic non-native plant populations in the alpine zone are monitored to identify the need for trail closures and equestrian use restrictions.
- The negative impacts of non-native plants are reduced.
- Water sources are restored to historic flows.
- Wild horses and burros are kept out of the Wilderness.
- Flow rates at springs are higher and more consistent.
- The occurrence of exotic plants, such as cheatgrass and dandelion is reduced.
- Heritage resources and natural processes are protected to enhance backcountry/Wilderness recreational opportunities.

Purpose and Need

The purpose of this project is to provide management direction for the Mt. Charleston Wilderness, situated on federal public land managed by the FS and the BLM. The WMP will address the Wilderness area, including Wilderness access and public information.

The need for the plan is to preserve the area's characteristics as identified by the Wilderness Act of 1964, by identifying the conditions and opportunities for which the Wilderness would be managed and creating specific standards and guidelines for managing resources and activities that would bring existing conditions closer to meeting desired conditions. Management direction would also address areas immediately adjacent to the Wilderness area to facilitate signage, staging areas, and access points. These objectives and actions would be implemented upon adoption of the WMP and the WMP would identify actions that may be implemented in the future if changes to resource conditions occur.

PROPOSED ACTION

The Proposed Action is the Mt. Charleston Wilderness Preliminary Plan, a copy of which is attached hereto. The WMP is a programmatic document and does not implement any actions in and of itself. Any management actions proposed to protect or preclude detrimental impacts to resources within the Wilderness or to wilderness character would require project-specific NEPA analysis.

As the lead agency for this project, the FS responsible official has determined this project will be subject to the objection procedures set out at 36 CFR 219, Subpart B, which are federal regulations established for administrative review of plan amendments. This process provides individuals and entities an opportunity for an independent FS review and resolution of issues before the approval of the plan amendment by way of a decision. As the lead agency for this project, the responsible official for the FS has established one public comment period for this project, in accordance with 36 CFR 219.52. The processes and requirements for commenting on this plan amendment are set out in this document in the section entitled "Comment Process." It is important to note that objections will be accepted only from those who have submitted formal comments specific to the proposed plan amendment during the comment period outlined in the "Comment Process" section of this document.

As the cooperating agency for this project, the BLM approving official has determined this project is subject to 40 CFR 1501.6. An appeal, as provided by the Secretary of the Interior, is an opportunity for a qualified person to obtain a formal review, by an independent board, of the procedures and authority followed by an Interior agency in making a decision. The decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4 and Form 1842-1. If an appeal is taken, the notice of appeal must be filed in this office within 30 days of the decision. The appellant has the burden of showing that the decision appealed is in error.

If you wish to file a petition pursuant to BLM regulation 43 CFR 2801.10 or 43 CFR 2881.10 for a stay of the effectiveness of this decision during the time the appeal is being reviewed by the IBLA, the petition for a stay must accompany the notice of appeal.

The FS will prepare specialist reports to analyze effects of the Preliminary WMP (Proposed Action). Specialist reports are written in support of WMP management direction proposed for

the protection of resources found in the Wilderness and wilderness character. The FS anticipates that because there are no project activities authorized by implementation of the WMP, specialist reports would likely conclude there would be no effects to resources found in the Mt. Charleston Wilderness from implementation of the plan. Biological specialist reports for the Mt.

Charleston WMP would involve identifying species that are found in the Wilderness, based on existing data and potential habitat, and other resource reports would identify resource conditions that would be found in the Wilderness.

If specialist reports determine that management direction over a broad area, for example fire management, would have an effect on any resource condition or on wilderness character, potential effects would be addressed in the specialist reports and the EA in more detail, and determinations would be based on the nature and level of impacts and would include supporting rationale. If no such determinations are made through the environmental analysis of the WMP, management actions proposed in Wilderness would be conducted in accordance with management direction in the WMP and would require separate site-specific analysis under the NEPA.

The BLM Interdisciplinary Team, comprised of various resource specialists, will review the Mt. Charleston Wilderness Preliminary WMP to evaluate the potential for impacts to occur – directly, indirectly, or cumulatively – due to implementation of the Proposed Action. Consideration of certain items ensures compliance with laws, statutes, or Executive Orders that impose certain requirements upon all federal actions. Other items are relevant to the management of public lands in general, and to the BLM Southern Nevada District in particular. These items, along with the rationale for including or dismissing from detailed analysis, are documented by each resource specialist. Resources not adversely affected will not be considered further in the environmental analysis.

DECISION TO BE MADE

Each agency has jurisdictional authority for separate portions of the Wilderness. The FS and the BLM retain decision-making authority and responsibility for the Mt. Charleston WMP. The agencies' Responsible Officials are William Dunkelberger, Forest Supervisor of the Humboldt-Toiyabe National Forest and Timothy Smith, District Manager, Southern Nevada District Office, BLM.

The WMP would provide specific direction for agency management of the Mt. Charleston Wilderness over the next ten (10) years. The WMP would provide more specific, updated, and consistent direction for management of the Mt. Charleston Wilderness. The WMP would also address appropriate actions within and immediately adjacent to the Wilderness, such as Wilderness access and information provided to the public. The primary objective of the WMP is to maintain Wilderness characteristics cumulatively identified by the Wilderness Act of 1964 as areas that remain untrammeled (i.e., unrestrained, unhindered) by man, natural, undeveloped, and having outstanding opportunities for solitude or primitive and unconfined types of recreation, including supplementary values.

The Purpose and Need for action and the environmental analysis in the EA will direct the Responsible Officials' selection of the Proposed Action (Preliminary WMP), a modified version of the Proposed Action, or other alternatives to the WMP to guide future management of the Mt. Charleston Wilderness over the life of the WMP.

COMMENT PROCESS

Opportunity to Comment on the Mt. Charleston Wilderness Management Plan Project

The FS and the BLM welcome your comments on the Proposed Action—the Preliminary WMP. Comments received on the Preliminary WMP will assist the agencies in identifying key issues and potential alternatives to the Proposed Action.

The Proposed Action (Mt. Charleston Wilderness Preliminary WMP) is available for review at the following link <http://www.fs.usda.gov/projects/htnf/landmanagement/projects>, click on Mt. Charleston Wilderness Management Plan. The Preliminary WMP is also available in hard copy or on disc at the Spring Mountains NRA administrative offices located at 4701 North Torrey Pines Drive, Las Vegas, NV 89130-2301.

How to Comment and Timeframe

The following information describes the FS and the BLM public comment requirements and processes. Individuals wishing to file a pre-decisional administrative review (hereinafter referred to as an objection) to the plan amendment should adhere to FS administrative review regulations set out at 36 CFR 219. Individuals wishing to file a post-decision administrative appeal through the BLM Interior Board of Land Appeals should adhere to requirements set out in BLM regulations.

The FS is encouraging the use of a new electronic Comment Analysis and Response Application. To assist the FS and BLM in meeting their goals of reducing our carbon footprints and to achieve a sustainable operation, we are transitioning to a web based electronic mailing and comment system that allows all interested parties to receive project material (scoping documents, updates, draft and final NEPA documents, and decisions) by email. This new system gives you direct control over which mailing lists you are subscribed to and immediate electronic access to project documents as they are posted online. It's easy, it's good for the environment, and it provides “on-demand” access to projects. We encourage the use of this new web system.

To subscribe to this new system you may go online now to sign up for electronic notifications, by following this link <http://www.fs.fed.us/nepa/fs-usda-pop.php?project=38543>. Once at the project page you will see a box titled “Get Connected” on the right hand side of the page. In the box is a “Subscribe to Email Updates” menu item. When you click on that item you will be prompted to provide your email address and select a password. When you have logged in you will be able to manage your account by subscribing to projects by Forest, District, project type, or project purpose. You will also be able to change your email address and password, or delete subscriptions for projects you no longer wish to follow or which have been completed. Once you are subscribed your name will be removed from the existing postal mailing lists; you will thereafter receive all project information via email.

Forest Service Planning Regulations (36 CFR 219, Subparts A and B)

This public notice describes the action and the nature and scope of the decision to be made and identifies the responsible official in accordance with 36 CFR 219.16(d).

Only individuals and entities who have submitted timely and specific written formal comments related to the plan amendment during the 30-day opportunity to comment, as set out in this

notice, may file an objection. Individuals and organizations wishing to be eligible to file an objection to the plan amendment must meet the information requirements of 36 CFR 219.53.

Comments on the proposed plan amendment shall be accepted for 30 days beginning on the first day after the date of publication of the Legal Notice in the newspaper of record, the *Reno Gazette-Journal* (36 CFR 219.16(a)(2) and 219.16(c)(4)). The publication date in the *Reno Gazette-Journal* is the exclusive means for calculating the comment period for this analysis. Those wishing to comment should not rely upon dates or timeframe information provided by any other source. The Legal Notice will also be published in the *Las Vegas Review-Journal* because the Mt. Charleston Wilderness is located in southern Nevada.

It is the responsibility of all individuals and organizations providing comments to submit them by the close of the comment period. Individual members of an entity must submit their own comments to establish personal eligibility; comments received on behalf of an entity are considered as those of the entity only.

For objection eligibility each individual or representative from each entity submitting timely and specific written comments regarding the proposed project must either sign the comments or verify identity upon request. In cases where no identifiable name is attached to a comment, a verification of identity would be required for objection eligibility. If using an electronic message, a scanned signature is one way to provide verification.

Electronic comments (preferred) must be submitted in a format such as, plain text (.txt), rich text format (.rtf), or Word (.doc) inserted into the following database:

<http://www.fs.fed.us/nepa/fs-usda-pop.php?project=38543>

Once at the project site you will see a box titled “Get Connected” on the right hand side of the page. In the box is a “Comment on Project” menu item. When you click on that item you will be prompted to provide your comment.

If you wish to submit your comment via email without accessing the database, send them to mountcharlestonwmp@fs.fed.us.

Emailed comments will be acknowledged by providing to the sender with an automated electronic acknowledgment from the agency as confirmation of receipt. If the sender does not receive an automated acknowledgment of the receipt of the comments, it is the sender’s responsibility to ensure timely receipt by other means.

Written, faxed and hand-delivered comments must be submitted to: Jane Schumacher, NEPA Planner, Spring Mountains National Recreation Area, 4701 North Torrey Pines Drive, Las Vegas, NV 89130-2301, fax 702-839-5599. The office business hours for those submitting comments in person are: 8 a.m. to 4:30 p.m. Monday through Friday, excluding holidays.

All comments must be postmarked by the US Postal Service, emailed, faxed, or otherwise submitted (for example by express delivery service) by 11:59 p.m. Pacific Standard Time on the 30th calendar day following publication of the Opportunity to Comment legal notice in the *Reno Gazette-Journal*.

For further information contact Jane Schumacher, NEPA Planner and Interdisciplinary Team Leader at 702-839-5560 or mountcharlestonwmp@fs.fed.us

BLM Planning Regulations

The BLM's decision on this project is subject to appeal, post-decision, as provided by the Secretary of the Interior. An appeal is an opportunity for a qualified person to obtain a formal review, by an independent board, of the procedures and authority followed by an Interior agency in making a decision. Appeals are made to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4 and Form 1842-1, and must be made within 30 days of the decision. A petition for a stay of the effectiveness of the decision, during the time the appeal is being reviewed by the IBLA, must accompany the notice of appeal, pursuant to BLM regulation 43 CFR 2801.10 or 43 CFR 2881.10.

APPENDIX A

Map of the Mt. Charleston Wilderness

